

Is it assumed that the original status of people in Dār al-Kufr is Kufr, even if they outwardly show Islam?

The innovated belief that anyone who lives in Dār al-Kufr, is considered to be a Kāfir, even if he shows himself to be outwardly as a Muslim, is a belief that is not held by any of Ahl as-Sunnah. The Madhab of the Ahl as-Sunnah is that someone who presents Islam is considered a Muslim in outward appearance, and their inner state is left to Allah. This is indicated by the Hadith in which the Prophet said:

"مَنْ صَلَّى صَلَاتِنَا وَاسْتَغْبَلَ فِيلَاتِنَا وَأَكَلَ ذِيْبَحَتِنَا فَذَلِكُمُ الْمُسْلِمُ"

"Whoever prays like us and faces our Qibla and eats our slaughtered animals is a Muslim"

Ibn Hajar al-Asqalānī said the explanation of this Hadith:

وفيه أن أمور الناس محمولة على الظاهر ، فمن أظهر شعار الدين أجريت عليه أحكام أهله ما لم يظهر منه خلاف ذلك.

"In it is evidence that matters of people are considered based on their apparent signs, so whoever displays the signs of the religion the rulings of its people are applied on him as long as he does not display what contradicts it"

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Rather, that deviant opinion is more known among the Khawārij, or there are statements from some splinter groups of the Khawārij that strongly resemble this statement.

Abū al-Hasan al-Ash‘arī (may Allah have mercy on him) mentions in his work "Maqālāt al-Islāmiyyīn" the statements of various sects and their subgroups. As for the Khawārij, he mentions two groups: the ‘Azāriqah and the Akhnasiyyah.

Regarding the ‘Azāriqah, he said:

"The ‘Azāriqah claim that whoever lives in Dār al-Kufr is a Kāfir" (p.164). And as for the Akhnasiyyah and their statement in this regard, he says:

"They withhold judgment for all those who live in the land of Taqiyah (Dār al-Kufr), adorn themselves with Islam, and are from the people of the Qiblah, except for those whom they know have Īmān, so they take him as an ally based on that, or Kufr, upon which they then disassociate from him for that reason" (p.180).

This false understanding is attributed to the belief that the land is the determining factor in judging a person as either a Muslim or a Kāfir. However, the truth is that the land is the last recourse when there are no other means of judgment available.

Al-Kasānī al-Hanafī (may Allah have mercy on him) said:

"The ways through which one judges a person as a Mu'min (believer) are three:

1. Nass
2. Dalālah
3. Tabi'iyyah

Regarding **Nass**, it is when someone comes with the Shahādah or the Shahādatayn (...).

As for clarifying how one judges someone as a Mu'min through **Dalālah**, it is, for example, when a Kitābī (Jew or Christian) prays or when one of the people of Shirk (associating partners with Allah) prays in a congregation; and according to our view, judgment is made about his Islam (...).

Regarding judging a person's Islam through **at-Tabi'iyyah**, one judges a child with Islam, following their parents (therein) (...), and judgment is also made about their Islam according to the Dār (land/country)" (Badā'i' as-Sanā'i').

So, this great Hanafi jurist considered the Dār (place/land) as the very last consideration. If the first criterion is already fulfilled, namely that someone professes the Shahādatayn (two testimonies of faith), then the Dār (place/land) doesn't matter. What if the second criterion is added to this? For instance, one observes someone praying or displaying outward Islamic signs. It would be foolish and reckless to claim that prayer is not an indication of Islam, as there have always been apostates, and not a few, and never did any of the A'immah say that prayer is no longer an indication of Islam.

Know that a Muslim is considered a Muslim regardless of where they are, whether in Dār al-Islām or Dār al-Kufr, and none of the A'immah ever said that one should inquire about the belief ('Aqīdah) of someone who claims Islam in Dār al-Kufr. Rather, one is satisfied with the outward appearance and leaves the inner matters to Allah, the Knower of hearts.

What we follow is: Does this person presenting signs of Islam before me commit Kufr (disbelief) in my presence, or do I know through multiple trustworthy witnesses that HE committed major Kufr (disbelief) or major Shirk (associating partners with Allah)? If not, then we are obligated to judge based on their outward appearance. We are not judging their inner state or what is hidden from us, as we are not obligated to do so; it is entirely possible that this person is actually a Kāfir (disbeliever) or Mushrik (polytheist). However, as long as we do not see evidence of it, we do not inquire and do not assume that they are.

We can resort to considering the Dār (place/land) when neither the first nor the second criterion is present. In this case, we judge according to the Dār, meaning that the basic assumption is that the person, depending on the Dār, is either a Muslim or a Kāfir.

Harb transmitted in his *Masā'il* that Imam Ahmad was asked about a deceased person found in *Dār al-Kufr* (land of disbelief) (and back then there were hardly any Muslims in *Dār al-Kufr*, or comparatively far fewer than today). He said that one should check if the person is circumcised or not. If yes, then one judges them as a Muslim, performs the ritual washing, burial, and so on.

Imām Ahmad acted here based on a sign of the Muslims. Could it be that this deceased person was actually a *Kāfir* (disbeliever)? Of course, it's possible, but as mentioned before, we rely on the outward appearance and leave the inner matters to the Creator.

Imām Ibn Qudāmah al-Maqdisī (may Allah have mercy on him) said:

"If one finds a deceased person and is unsure whether they are a Muslim or a *Kāfir*, then one looks at the outward signs, such as circumcision, clothing, and dyeing (of hair or beard). If there are no signs and the person is in *Dār al-Islām*, they are washed, and prayers are offered for them. And if they are in *Dār al-Kufr* (and there are no signs), they are not washed, and prayers are not offered for them. Al-Imām Ahmad explicitly stated this, as the basis is that one belongs to the people of a specific *Dār* (land), and their judgment is confirmed for him as long as there is no contrary evidence" (Al-Mughnī 3/478).

This statement by Ibn Qudāmah succinctly summarizes what we have mentioned so far, that the *Dār* (place/land) is the last factor considered. This relates to the assertion that everyone in *Dār al-Kufr* is a *Kāfir* until the opposite is confirmed. There remains a matter often raised, namely that *Kufr* and *Shirk* (polytheism) are widespread among the majority of people.

As already mentioned, we start from the outward appearance of a specific individual (i.e., we observe them), and the fact that *Shirk* (polytheism) and *Kufr* (disbelief) are prevalent does not give anyone the right to generalize all under the banner of "*Kufr*," merely because there is a possibility that they might have committed *Kufr* or *Shirk*.

Furthermore, it is not a new concept that *Kufr* and *Shirk* are widespread; in fact, this existed during the time of Ibn Taymiyyah, and the *Shirk* associated with graves was much stronger during his time compared to nowadays. Nevertheless, there is no known fatwa from him stating that one must know the beliefs ('*Aqīdah') of individuals in order to pass judgment on them regarding Islam. On the contrary, he even referred to those who pray only at home and not in the mosques as *Mubtadi'ah* (innovators), because the imams were innovators and they used this as an excuse to avoid going to the mosques.*

I decided to translate some misleading arguments that Ebu Hanzala (may Allah guide us and him) used for this belief.

One of the "proofs" he clung to was the fact that the *Sahābah* did not accept the repentance of the apostates during the time of Abū Bakr until the apostates testified that their dead (from the Wars of Apostasy) were in the Fire and the dead of the Muslims were in Jannah (Paradise). He uses this as evidence that the *Shahādah* and prayer were no longer sufficient indicators of Islam for these apostates.

This is not evidence for him, as those apostates who repented had committed Kufr (disbelief) that was proven with clear evidence; otherwise, the Sahābah would not have fought against them. Now, if one of the apostates comes and recites the Shahādah (testimony of faith) and performs prayer, but committed an act that nullifies Islam, such as believing in another prophet, then for him, the Shahādah and prayer alone are not sufficient to re-enter Islam. He must enter Islam again through the same door by which he left, which in this case is renouncing belief in a prophet after Prophet Muhammad. This is in no way comparable to a Muslim (outwardly) who recites the Shahādah and prays, and from whom no specific act of Kufr is known, unlike that apostate who even testified to his own Kufr. This is called Qiyās ma‘a al-fāriq (analogy with a distinguishing feature), which does not have any evidence in our Shari‘ah (Islamic law).

Another "evidence" he mentions is a difference of opinion among scholars regarding the following issue: If an original Kāfir (Kāfir aslī), such as a Jew, Christian, Zoroastrian, etc., prays, do we judge based on his outward appearance that he is a Muslim? We have never heard the Shahādah from him, but we see him praying now; can we say that he is a Muslim?

In this matter, there is a difference of opinion; some of the Shāfi‘iyyah and Mālikiyah said that this doesn't grant him the status of Islam, the Ahnāf (Hanafis) said that if he prays in congregation, he is considered a Muslim, and the Hanābilah (Hanbalis) said that whether he prays alone or in congregation, by outward appearance, he enters Islam.

According to the Hanābilah, one can thus enter Islam through prayer, as the Shahādah (testimony of faith) is included in it (in the Tashahhud), and also through the call to prayer (Adhān).

He now uses this difference of opinion to prove that prayer is not a sign of Islam according to all scholars. This is again not evidence for him, as the scholars are not discussing someone who professes the Shahādatayn and performs prayer, but rather an original Kāfir (Kāfir Aslī) whom it is known does not declare himself as Muslim, yet subsequently prays.

Once again, this involves the principle of Qiyās ma‘a al-fāriq (analogy with a distinguishing feature).

It is not known from any of the Muslims that prayer is not a sign of Islam; rather, they unanimously agree that it is a sign, and even one of the most powerful signs. The statement of the Messenger ﷺ is sufficient for us in this regard.

"مَنْ صَلَّى صَلَاتَنَا وَاسْتَغْفَلَ قِبَلَتَنَا وَأَكَلَ ذَبِيْحَتَنَا فَلَكُمُ الْفَسِيلَمُ"

"Whoever prays like us and faces our Qibla and eats our slaughtered animals is a Muslim"

(Narrated by al-Bukhārī (391))

His statement, "WHOEVER prays like us," indicates generality, and this general wording is not restricted in any Āyah (verse) or Hadīth. How can one now attempt to limit the wording of the Hadīth based on a difference of opinion among scholars in a matter that is not even related to it? Verily, we belong to Allah, and to Him we shall return (Innā lillāhi wa innā ilayhi rāji‘ūn).

Another misconception he mentioned is the narration from Imām Ahmad that he said, due to the prevalence of Bid‘ah (innovation), he only prays behind those whom he knows. This last argument is the weakest of all, and there are several responses to it:

1. If one claims to follow the Sunnah of the Prophet and prioritize it over the statement of anyone else, how can they rely on a fatwa from a specific period and prefer it over the statement of the Prophet, which is universally applicable for all times?
2. In Imām Ahmad's time, the imams were all under the authority of the state, and each imam was required to hold the belief that the Qur'an was created. How can this be compared to the current situation, in which nearly 100 million people are collectively subjected to Takfir (declaration of disbelief)?
3. His statement still doesn't prove Takfir, as refraining from praying behind someone one doesn't know doesn't necessarily imply making Takfir upon them. In the Hanbali Madhhab, for example, praying behind every Mubtadi' (innovator) and Fāsiq (open sinner) is forbidden and invalid.

Hence, this fatwa doesn't even serve as evidence that Imām Ahmad in his time made a blanket Takfir on all imams. To construe his statement in such a manner, one would have to interpolate the following into his statement (which I enclose in parentheses): "Since innovations have spread, pray only behind those you know (because anyone you don't know is a disbeliever based on outward appearance, and Allah knows their true judgment)." Would a person of sound mind say something like this? What is even more astonishing is those who misuse this and, based on it, make Takfir on millions of people!

This is what Shaykh al-Islām Ibn Taymiyyah رحمه الله said when clarifying this misunderstanding:

وَمِنْ أَصْوَلِ أَهْلِ السُّنَّةِ وَالْجَمَاعَةِ أَنَّهُمْ يُصْلِلُونَ الْجَمْعَ وَالْأَعِيادَ وَالْجَمَاعَةَ لَا يَدْعُونَ الْجُمُعَةَ وَالْجَمَاعَةَ كَمَا فَعَلَ أَهْلُ الْبِدَعِ مِنْ الرَّافِضَةِ وَغَيْرِهِمْ فَإِنْ كَانَ الْإِمَامُ مَسْتُورًا لَمْ يَظْهُرْ مِنْهُ بِدْعَةٌ وَلَا فُجُورٌ صَلَى خَلْفُهُ الْجُمُعَةَ وَالْجَمَاعَةَ بِإِنْقَاقِ الْأَئِمَّةِ الْأَرْبَعَةِ وَغَيْرِهِمْ مِنْ أَئِمَّةِ الْمُسْلِمِينَ وَلَمْ يَقُلْ أَحَدٌ مِنْ الْأَئِمَّةِ إِنَّهُ لَا تَحُوزُ الصَّلَاةُ إِلَّا خَلْفَ مَنْ عُلِمَ بِاطْنُ أُمْرِهِ بِلْ مَا زَالَ الْمُسْلِمُونَ مِنْ بَعْدِهِمْ يُصْلِلُونَ خَلْفَ الْمُسْلِمِ الْمَسْتُورِ وَلَكِنْ إِذَا ظَهَرَ مِنْ الْمَصْلِي بِدْعَةٌ أَوْ فُجُورٌ وَأَمْكَنَ الصَّلَاةُ خَلْفَ مَنْ يُعْلَمُ أَنَّهُ مُبْتَدِعٌ أَوْ فَاسِقٌ مَعْ إِمْكَانِ الصَّلَاةِ خَلْفَ عَيْرِهِ فَأَكْثَرُ أَهْلِ الْعِلْمِ يَصْحَّحُونَ صَلَاةَ الْمَامُومِ وَهَذَا مَذَهَبُ الشَّافِعِيِّ وَأَبِي حَنِيفَةَ وَهُوَ أَحَدُ الْقَوْلَيْنِ فِي مَذَهَبِ مَالِكٍ وَأَحْمَدَ وَأَنَّا إِذَا لَمْ يُمْكِنْ الصَّلَاةُ إِلَّا خَلْفَ الْمُبْتَدِعِ أَوِ الْفَاجِرِ كِلْجُمُعَةُ الَّتِي إِعْلَمُهَا مُبْتَدِعٌ أَوْ فَاجِرٌ وَلَيْسَ هَذَا كُلُّ مُجْمِعَةٍ أُخْرَى فَهَذِهِ تُصْلَى خَلْفَ الْمُبْتَدِعِ وَالْفَاجِرِ عِنْدَ عَامَّةِ أَهْلِ السُّنَّةِ وَالْجَمَاعَةِ وَهَذَا مَذَهَبُ الشَّافِعِيِّ وَأَبِي حَنِيفَةَ وَأَحْمَدَ بْنَ حَنْبَلَ وَغَيْرِهِمْ مِنْ أَئِمَّةِ أَهْلِ السُّنَّةِ بِلَا خَلْفِ عَنْهُمْ. وَكَانَ يَعْضُّ النَّاسُ إِذَا كَثُرَتِ الْأَهْوَاءُ يُحِبُّ أَنْ لَا يُصْلَى إِلَّا خَلْفَ مَنْ يَعْرَفُهُ عَلَى سَبِيلِ الْإِسْتِجْبَابِ كَمَا نُقِلَّ ذَلِكَ عَنْ أَحْمَدَ أَنَّهُ ذَكَرَ ذَلِكَ لِمَنْ سَأَلَهُ. وَلَمْ يَقُلْ أَحْمَدَ إِنَّهُ لَا تَصْحُ إِلَّا خَلْفَ مَنْ أَعْرَفُ حَالَهُ.

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"And some desired that if innovations spread, one should only pray behind someone they know, and this (only) in the form of Istihbāb (i.e., as a recommended act), as reported from Ahmad that he mentioned this when he was asked, and Ahmad did not say: 'Prayer is valid only behind someone whose status you know'" (Al-Majmū' 3/280).

So, I urge those who persist in this opinion to present statements from the Salaf (early generations) or earlier scholars that indicate the signs of Islam lose their significance in the face of widespread disbelief and polytheism (Kufr and Shirk), and that this approach should be replaced by an 'Aqīdah (belief) check.

Every innovation is a Bid'ah, and every Bid'ah is a misguidance that should be rejected by everyone, regardless of who they are and what their name is.

A fatwa of this magnitude is not within the jurisdiction of a seeker of knowledge (Tālib al-'Ilm), and the seeker of knowledge should especially not speak about matters that great scholars did not discuss. How beautiful is what 'Abdullāh ibn Mubārak said: "We were prohibited from speaking in the presence of the great ones."

And all praise is due to Allah, the Lord of the worlds.